

May 9, 2014

By Electronic Filing

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Ex Parte Communication, GN Docket No. 12-268, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*

Dear Ms. Dortch,

This letter is submitted, pursuant to Section 1.1206(b)(1) of the FCC's rules, to notify you that representatives of the WMTS Coalition (the "Coalition") met on May 7, 2014, with Commissioner Michael O'Rielly and his Legal Advisors, Courtney Reinhard and Erin McGrath. The WMTS Coalition was represented by Rick Pollack, the Executive Vice President, Advocacy and Public Policy, of the American Hospital Association (the "AHA") and his colleague Erik Rasmussen; by Scott Dukes, Vice President, Regional Operations for the Billings Clinic, Billings Montana; and by the undersigned, counsel to the AHA and the WMTS Coalition.

During the meeting, the Coalition reiterated its concern with the Incentive Auction Task Force recommendation to the Commission that Channel 37 should be authorized for use by unlicensed devices before the Commission had determined whether and how such sharing would protect WMTS licensees from interference. The Coalition provided Commissioner O'Rielly the attached list of hospitals in the State of New York that are currently registered to use WMTS systems operating on Channel 37 to show the breadth of use of this frequency band. The Coalition reiterated that the effectiveness of WMTS systems is of major importance to hospitals' ability to monitor critical care patients, including cardiac patients, other major surgical patients, and even mothers and their fetuses during labor and delivery. The Coalition emphasized that WMTS licensees cannot accept any risk that there will be interference to those systems that would adversely impact the health care providers' monitoring capability. The Coalition used the attached maps to demonstrate that the risks of harmful interference to a WMTS system may not be worth the little benefit in urban and suburban areas that will be gained by making Channel 37 available for unlicensed uses.

WILKINSON ) BARKER ) KNAUER ) LLP

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In closing, the Coalition asked Commissioner O’Rielly to consider seeking to add a very strong statement in the Order to show the healthcare community that their use of Channel 37 WMTS will not be compromised, such as the proposed language attached to this letter.

Please contact the undersigned if you have any questions.

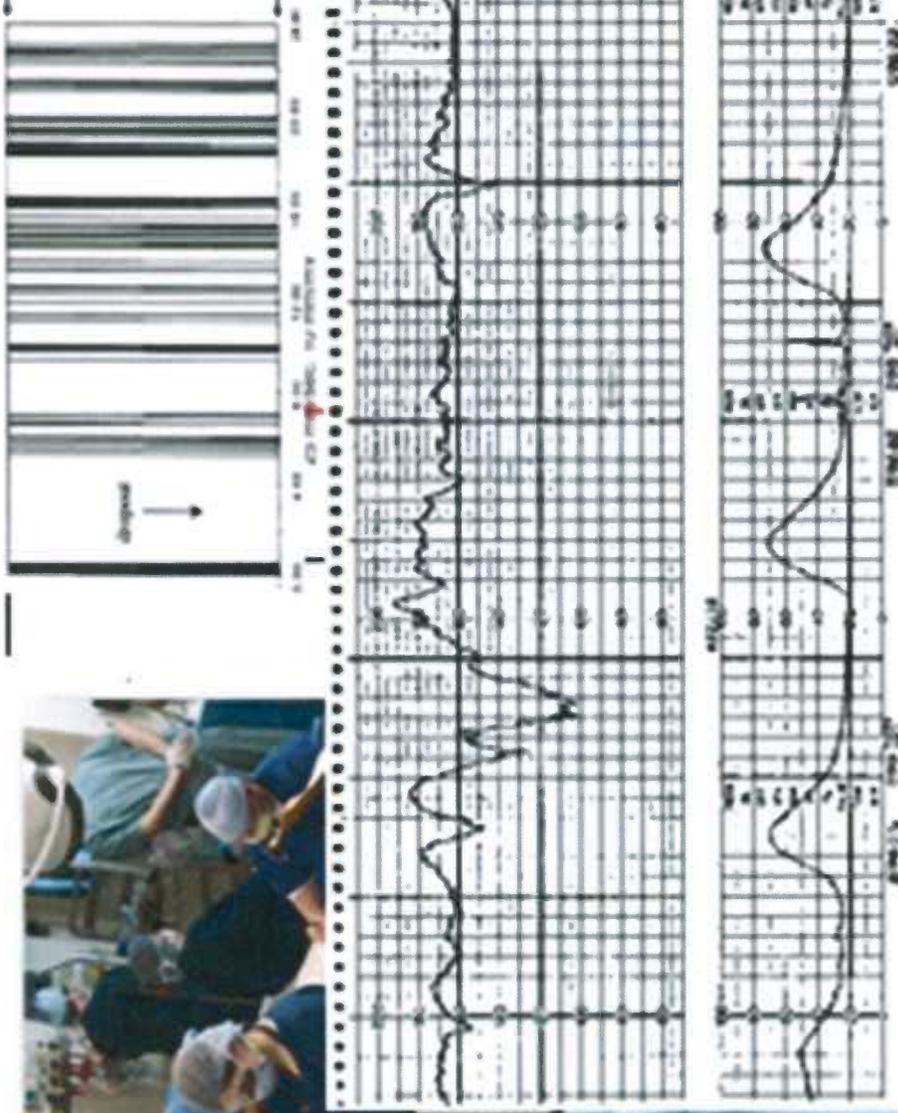
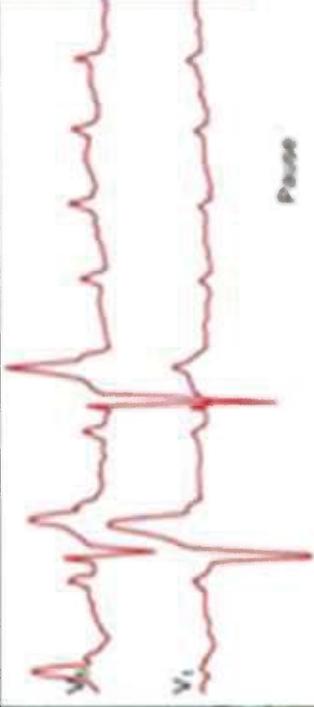
Sincerely,

/s/  
Lawrence J. Movshin

Attachments

cc: Courtney Reinhard  
Erin McGrath

# Impact on Patient Care

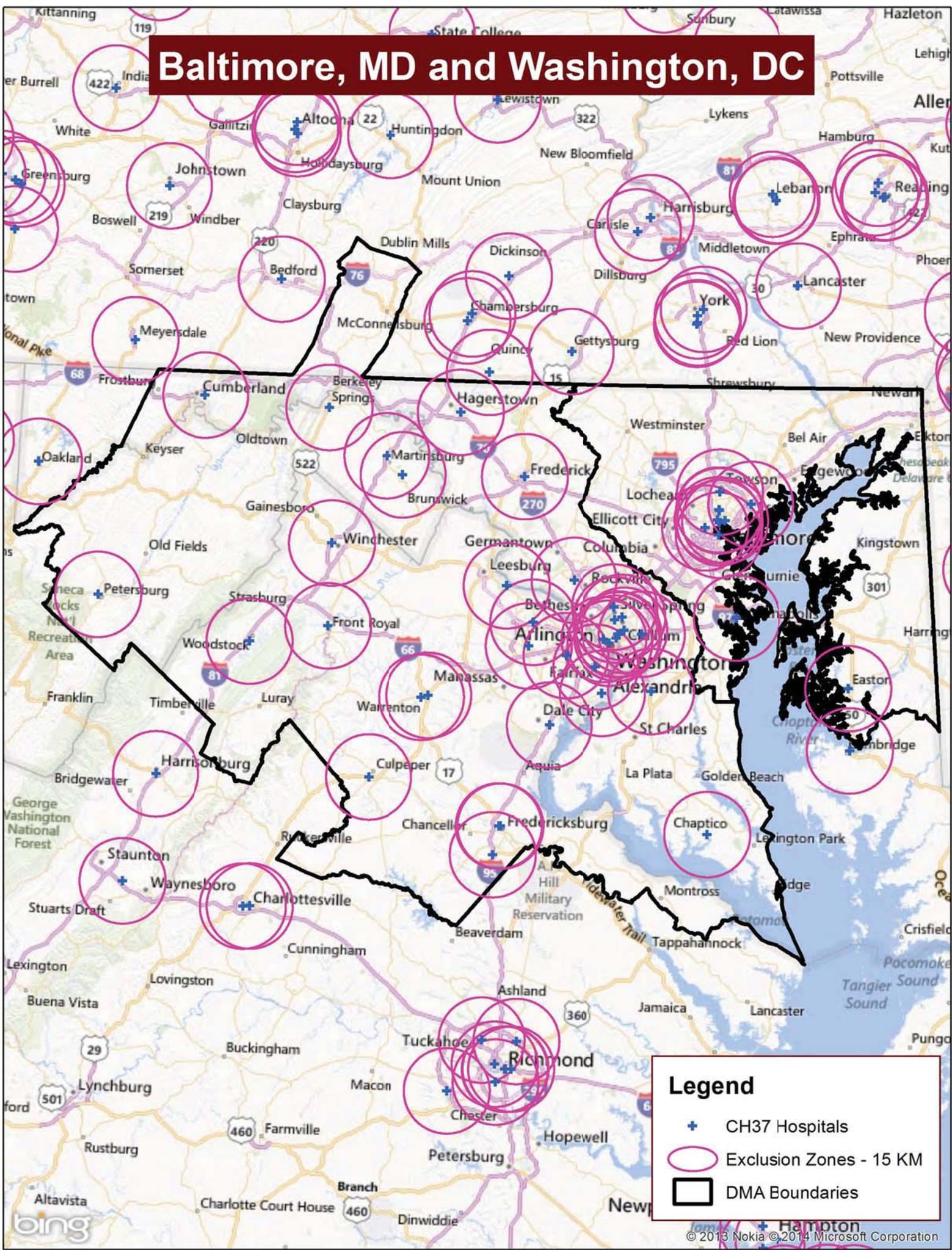


Hospital	Registration Address	City	County	Systems	Transmitters
New York-Presbyterian Hospital	525 E. 68th St	New York	New York	3	400
The Mount Sinai Hospital	One Gustave L Levy Place	New York	New York	1	250
St. Francis Hospital	100 Port Washington Boulevard	Roslyn	Nassau	8	248
NSLJ Health System	300 Community Drive	Manhasset	Nassau	2	244
Stony Brook University Hospital	HSC Level 1 Room 141	Stony Brook	Suffolk	1	225
Albany Medical Center	43 New Scotland Avenue	Albany	Albany	2	165
St. Joseph's Hospital Health Center	301 Prospect Avenue	Syracuse	Onondaga	2	122
St Peter's Healthcare Services	315 South Manning Blvd	Albany	Albany	1	98
University Hospital Downstate Medical Center	450 Clarkson Avenue	Brooklyn	Kings	1	96
Ellis Hospital	1101 Nott Street	Schenectady	Schenectady	1	94
New York Hospital Medical Center of Queens	56-45 Main St	Flushing	Queens	1	80
South Nassau Community Hospital	One Healthy Way	Oceanside	Nassau	2	78
St Vincents Catholic Medical Centers-Manhattan	130 W. 12th St	New York	New York	1	72
Mercy Medical Center	1000 North Village Avenue	Rockville Centre	Nassau	1	70
Good Samaritan Hospital Medical Center	1000 Montauk Highway	West Islip	Suffolk	1	61
Champlain Valley Physicians Hospital	75 Beekman St	Plattsburgh	Clinton	2	61
St. Elizabeth Medical Center	2209 Genesee Street	Utica	Oneida	2	56
New York Presbyterian Allen Pavilion	5141 Broadway	New York	New York	1	48
Plainview Hospital	888 Old Country Road	Plainview	Nassau	1	48
Glens Falls Hospital	100 Park Street	Glens Falls	Warren	2	46
Beth Israel Medical Center	First Avenue at East 16th St	New York	New York	3	44
White Plains Hospital Center	Davis Ave @ East Post Road	White Plains	Westchester	1	42
Erie County Medical Center	462 Grider St	Buffalo	Erie	1	42
Dematteis Center	255 Valentines Ln	Old Brookville	Nassau	1	40
St. Catherine of Siena Medical Center	50 Route 25A	Smithtown	Suffolk	2	40
Wyckoff Heights Medical Center	374 Stockholm Street	Brooklyn	Kings	1	38
Syracuse VA Medical Center	800 Irving Avenue	Syracuse	ONONDAGA	1	37
Arnot Ogden Medical Center	600 Roe Avenue	Elmira	Chemung	1	35
Crouse Hospital	736 Irving Ave	Syracuse	Onondaga	2	35
Long Island College Hospital	339 Hicks Street	Brooklyn	Kings	1	34
Women's Christian Assoc. Hospital	207 Foote Ave	Jamestown	Chautauqua	2	32
Orange Regional Medical Center	707 East Main Street	Middletown	Orange	1	32
Niagara Falls Memorial Medical Center	621 Tenth Street	Niagara Falls	Niagara	1	32
Albany Memorial Hospital	600 Northern Boulevard	Albany	Albany	2	31
The Parkway Hospital	70-35 113th St	Forest Hills	Queens	1	30
Mercy Hospital Buffalo	565 Abbott Road	Buffalo	Erie	3	29

Hospital	Registration Address	City	County	Systems	Transmitters
Sound Shore Medical Center	16 Guion Place	New Rochelle	Westchester	2	28
St. Joseph's Hospital	555 East Market Street	Elmira	Chemung	1	28
Peninsula Hospital Center	51-15 Beach Channel Drive	Far Rockaway	Queens	1	27
Cayuga Medical Center at Ithaca	101 Dates Drive	Ithaca	Tompkins	2	27
Samaritan Medical Center	830 Washington Street	Watertown	Jefferson	2	26
Oswego Hospital	110 West Sixth Street	Oswego	Oswego	1	25
Rome Memorial Hospital	1500 North James Street	Rome	Oneida	2	25
Columbia Memorial Hospital	71 Prospect Avenue	Hudson	Columbia	1	24
St. Joseph Hospital	2605 Harlem Road	Cheektowaga	Erie	1	24
Rochester General Hospital	1425 Portland Avenue	Rochester	Monroe	2	24
New York Community Hospital	2525 Kings Highway	Brooklyn	Kings	1	24
St. Luke's Cornwall Hospital	70 Dubois Street	Newburgh	Orange	1	24
Mary Imogene Bassett Hospital	1 Atwell Road	Cooperstown	Otsego	1	23
Samaritan Hospital	2215 Burdett Avenue	Troy	Rensselaer	2	22
Massena Memorial Hospital	One Hospital Drive	Massena	St. Lawrence	2	21
Clifton Springs Hospital & Clinic	2 Coulter Road	Clifton Springs	Ontario	2	20
Syosset Hospital	221 Jericho Turnpike	Syosset	Nassau	1	18
New York Methodist Hospital	506 6th Street	Brooklyn	Kings	1	17
Helen Hayes Hospital	51 N Route 9W	West Haverstraw	Rockland	2	16
North General Hospital	1879 Madison Avenue	New York	New York	1	16
Corning Hospital	176 Denison Parkway East	Corning	Steuben	1	16
Hepburn Medical Center	214 King Street	Ogdensburg	St. Lawrence	1	16
Adirondack Medical Center	2233 State Route 86	Saranac Lake	Franklin	2	16
New York Presbyterian Children's Hospital	3959 Broadway	New York	New York	1	16
New York Hospital Queens	174-03 Horace Harding Expressway	Fresh Meadows	Queens	1	16
Newark Wayne Community Hospital	111 Driving Park Avenue	Newark	Wayne	1	14
Moses Luddington Hospital	1019 Wicker Street	Ticonderoga	Essex	2	14
Sisters of Charity Hospital	2157 Main St	Buffalo	Erie	3	14
Glen Cove Hospital	101 St. Andrews Lane	Glen Cove	Nassau	1	13
Geneva General Hospital	196 North Street	Geneva	Ontario	1	12
Alice Hyde Medical Center	133 Park Street	Malone	Franklin	1	12
Onedia Healthcare	323 Genessee St	Oneida	Madison	2	12
Mount Vernon Hospital	12 North Seventh Avenue	Mount Vernon	Westchester	1	12
Bertrand Chaffee Hospital	224 East Main Street	Springville	Erie	1	12
Northern Dutchess Hospital	6511 Spring Brook Ave	Rhinebeck	Dutchess	1	11
Noyes Memorial Hospital	111 Clara Barton Street	Dansville	Livingston	1	10

Hospital	Registration Address	City	County	Systems	Transmitters
Roswell Park Cancer Institute	666 Elm Street	Buffalo	Erie	1	10
Blackwell Memorial	300 Pulteney St.	Geneva	ONTARIO	1	10
Inter-Community Memorial Hospital	2600 William St	NewFane	Niagara	1	8
Healthworks Wellness and Fitness Center	9768 Lynn Morse Drive	Painted Post	Steuben	1	8
Lewis County Hospital	7785 North State Street	Lowville	Herkimer	1	8
St. Marys Hospital Seton Health	1300 Massachusetts Avenue	Troy	Rensselaer	1	8
Soldiers and Sailors Memorial Hospital of Yates County	418 North Main Street	Penn Yan	Yates	1	6
Margaretville Memorial Hospital	42084 State Highway 28	Margaretville	Delaware	1	6
New York Westchester Square Medical Center	2475 St. Raymond Avenue	Bronx	Bronx	1	6
Bassett of Schoharie County	41 Grandview Drive	Cobleskill	Schoharie	1	5
Adirondack Medical Center	29 Church Street	Lake Placid	Essex	1	4
Brookhaven Memorial Hospital	101 Hospital Road	Patchogue	Suffolk	1	4
Good Samaritan Hospital	255 Lafayette Avenue	Suffern	Rockland	1	4
Olean General Hospital	515 Main St	Olean	Cattaraugus	1	3
Women and Childrens Hospital	219 Bryant Street	Buffalo	Erie	1	2
Lutheran Medical Center	150 55th Street	Brooklyn	Kings	1	2
Canton-Potsdam Hospital	50 Leroy Street	Potsdam	St. Lawrence	1	1
Clifton-Fine Hospital	1014 Oswegatchie Trail	Star Lake	St. Lawrence	1	1

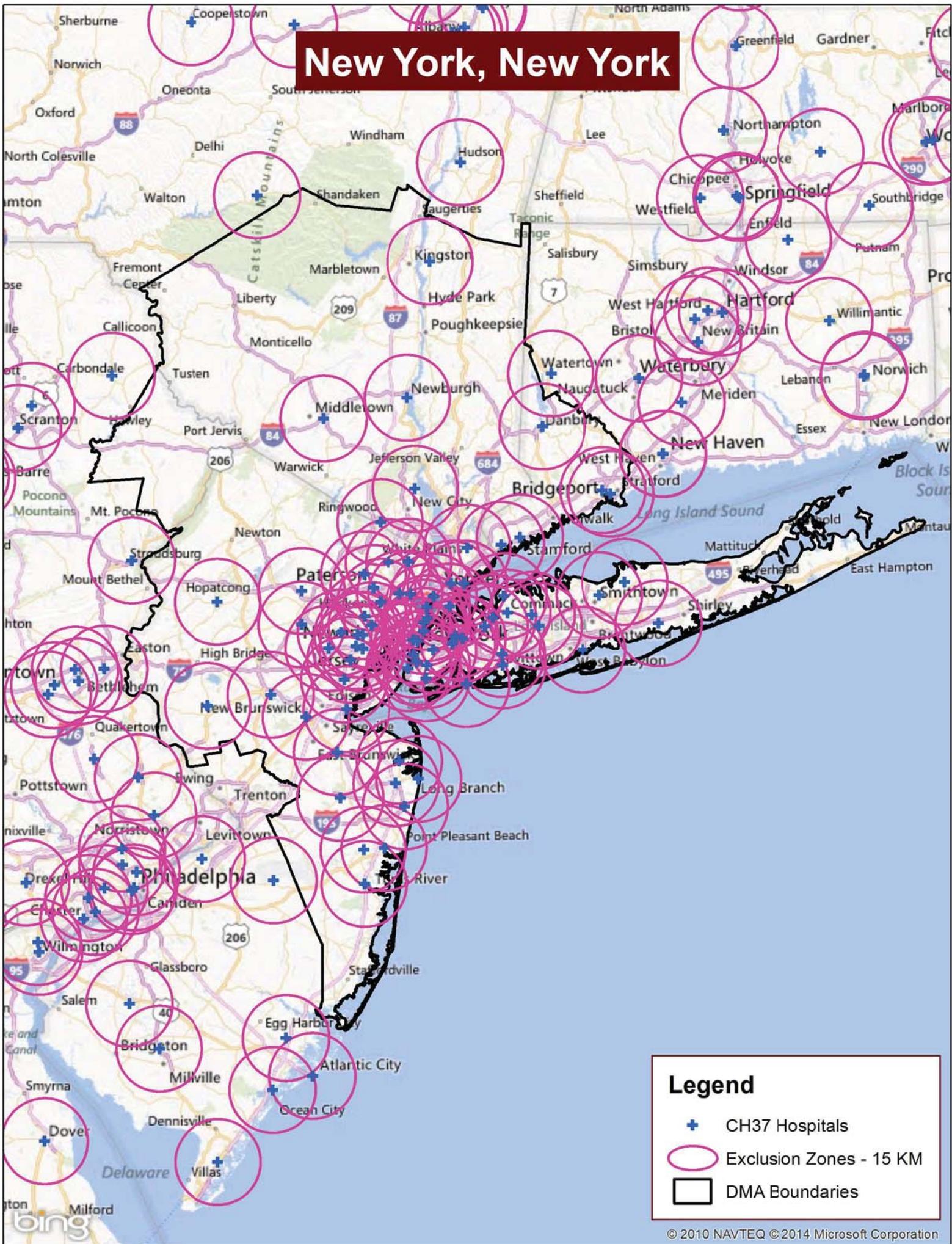
# Baltimore, MD and Washington, DC



**Legend**

- + CH37 Hospitals
- Exclusion Zones - 15 KM
- DMA Boundaries

# New York, New York



## Legend

- + CH37 Hospitals
- Exclusion Zones - 15 KM
- DMA Boundaries

WMTS Coalition proposed additional verbiage

**“Although we have decided in this *Report & Order* to allow unlicensed devices to share TV Channel 37 with primary users, we recognize that WMTS cannot tolerate even a single incident of interference without jeopardizing patient care. Therefore, we will not authorize unlicensed devices to operate in Channel 37 until we have developed technical rules governing such unlicensed operation that will ensure to all affected parties’ satisfaction that no harmful interference will be caused to primary WMTS and RAS operations in the band. The rulemaking we will launch later this year will be designed to develop the record necessary to achieve that objective.”**